

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

YOLANDA R. EFFINGER

Plaintiff,

v.

WINN DIXIE MONTGOMERY, INC.

Defendant.

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Case No. 2:07-CV-657-ID-TFM

Exhibit "C"

PLAINTIFF'S FIRST INTERROGATORIES TO
DEFENDANT WINN DIXIE MONTGOMERY, INC.

Now comes Plaintiff and propounds the following interrogatories to Defendant
Winn Dixie Montgomery, Inc., to wit:

1. Please identify yourself by full name, address, occupation and office or
position you hold with Defendant Winn Dixie Montgomery, Inc.?

A.

2. Are you authorized to answer these interrogatories on behalf of Defendant
Winn Dixie Montgomery, Inc.?

A.

3. Prior to answering these interrogatories on behalf of said Defendant, have
you made due and diligent search of all books, records, and papers of defendant and due
and diligent inquiry of all agents and employees of defendant in order to elicit all

information available regarding the claims and defenses at issue in this case?

A.

4. Do you have first hand knowledge of the facts and allegations raised by the complaint and answer in this case? If so, please state the bases for your knowledge?

A.

5. Have you ever spoken to Plaintiff regarding the facts of this case? If so, please state as to such conversation(s) all particulars, including but not limited to the date, time, location and what was said by you and Plaintiff?

A.

6. Please list the full names, addresses and occupations of all agents or employees who have spoken with Plaintiff regarding the matters and fall mentioned or raised in Plaintiff's complaint?

A.

7. Please state in detail what facts are known to defendant's regarding plaintiff's fall on defendant's premises on August 20, 2006, including, but not limited to the manner, type, or reason for the fall she had?

A.

8. Did defendant own the premises where Plaintiff fell on August 20, 2006?

If not, please state the name and address of the owner?

A.

9. Was defendant in possession and control of the premises where Plaintiff fell on August 20, 2006?

A.

10. Was Plaintiff a trespasser at the time of her fall on defendant's premises?

If so, please state the facts which support your answer?

A.

11. Was Plaintiff a licensee at the time of her fall on defendant's premises?

If so, please state the facts which support your answer?

A.

12. Please identify the specific location in defendant's premises where plaintiff fell?

A.

13. Did defendant find a foreign or liquid substance at the exact area where plaintiff fell on August 20, 2006?

A.

14. If your answer to Interrogatory 12 above is in the affirmative, please identify the foreign substance, its source, amount and attributes?

A.

15. Please give the names, occupations and addresses of all persons known to defendant who witnessed plaintiff's fall on August 20, 2007?

A.

16. Did defendant, its agents or employees have any knowledge of the existence of the liquid substance which plaintiff's refers to in her complaint?

A.

17. If your answer to Interrogatory 16 above is in the affirmative, please state:

- a. How long had defendant or its agents or employees acquired such knowledge?
- b. How long had defendant or its agents or employees knew of that the liquid substance had existed prior to the fall alleged by plaintiff?

18. Please state in detail any warning or signals, oral or written, given by defendant to plaintiff or others prior to the time of the fall alleged by plaintiff?

A.

19. On August 20, 2006, did defendant or its agents or employees make any examination or inspection of the specific area where plaintiff fell?

A.

20. If you answer to Interrogatory 19 above is in the affirmative, please state:

- a. the time(s) of such examination or inspection?
- b. the person(s), including name, address and occupation, performing such examination or inspection?
- c. What such examination(s) or inspection(s) revealed?
- d. The action(s) taken by defendant as to any condition or situation found?

21. Please state in detail everything defendant or its agents or employees did to prevent Plaintiff's fall

A.

22. Please state in detail defendant's floor maintenance protocol in effect on August 20, 2006 and the persons responsible for same?

A.

23. Did plaintiff in any way commit any act or omission which contributed to her fall on August 20, 2006 on defendant's premises?

A.

24. Please state any injuries plaintiff complained of after falling in defendant's premises on August 20, 2006?

A.

25. Did defendant or its agents or employees observed any injury sustained by plaintiff on August 20, 2006 while at defendant's premises?

A.

26. Did defendant or its agents or employees rendering any assistance to plaintiff after her fall at defendant's premises on August 20, 2006?

A.

27. Please list the names, occupations and addresses of all fact witnesses defendant expects to call at trial?

A.

28. Please list the names, occupations and addresses of all expert witnesses defendant expects to call at trial and the subject and substance of their expected testimony?

A.

29. Is there a video tape of plaintiff's fall or the area where she fell?

A.

This 31st day of October, 2007.

/s/ Ronald B. Hatcher
Ronald B. Hatcher (HAT 002)
Attorney for Plaintiff

P. O. Box 161442
Atlanta, GA 30321
(404) 526-9440

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Plaintiff's First Set of Interrogatories to Defendant were served on Defendant's Attorney, via e-mail transmission and by Federal Express, at the following address, to wit:

Atty. Randall Morgan
Hill, Hill, Carter, Franco, Cole, & Black, PC
425 South Perry Street
Montgomery, AL 36104

This 31st day of October, 2007.

/s/ Ronald B. Hatcher
Ronald B. Hatcher (HAT 002)
Attorney for Plaintiff